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To: The Vermont State Board of Education  
Re: Draft Rule 3400  
From: Nicole Mace, Executive Director  
Date: December 20, 2016

This fall at our annual regional meetings, the VSBA invited school board members to share input on Draft Rule 3400 on Alternative Structures under Act 46. One major area of concern shared by our members was which districts should be subject to the proposed alternative structure process. Almost universally, VSBA members attending the regional meetings were surprised to learn that the rule, as currently drafted, would require an alternative structure proposal from all districts except those that will have formed a preferred structure by July 1, 2019. For districts that will have formed a RED or RED variation, this requirement was viewed as particularly problematic. The other concern frequently raised was that too much information is required as part of an alternative structure proposal, and that the data required for inclusion in a proposal is not available to school boards from the Agency of Education.

### Districts Subject to the Alternative Structure Process

The draft rule states that by November 30, 2017 all “remaining districts” must conduct a self-evaluation of the district’s ability to meet the goals of Act 46, meet with other districts to discuss ways to improve relative to the goals, and then submit a proposal for an alternative structure. “Remaining districts” are defined as those districts that will not be in a preferred structure by July 1, 2019, not including career technical center districts and interstate school districts. This definition is in conflict with Act 46 Section X.

Districts that will have formed a RED or RED variation by the July 1, 2019 deadline are exempt from the final statewide plan. These districts need not request to keep their governance structures, which is the purpose of the alternative structure proposals. Districts that have formed REDs or RED variations have completed their Act 46 work, and should not be required to participate in another study. It should be noted that many of these districts will have exhausted their study committee grant funds, so the work to complete an alternative proposal would be funded out of their district budgets.

### VSBA's Process to Obtain Feedback from Members

The form that the VSBA distributed in-person and online asked board members to provide their name, email, school district and status of Act 46 work to date. The form gave space for the board members' open-ended answers regarding what should be added, removed or clarified in the rules for submitting an alternative structure proposal.

In total, 32 school board members completed the form. Twenty-one were from districts that operate all grades; eleven were from districts that operate some grades and tuition others. We received no responses from school board members in districts that tuition all grades. Twelve respondents are either studying or have completed a preferred structure merger; another ten are studying both alternative and preferred structures, and ten are studying an alternative structure only.

Comments shared by school board members are reproduced below, organized by the type of change requested:

#### Comments that requested clarification in specific rules:

- What does "non-traditional learning experience" mean? (3450.8(5))
- What is meant by career and college ready outcome? (3450.8(5))
- Definition needed for "breadth and depth of offerings." (3450.8(3))
- There is data required of private schools where tuition is paid, but this information is not available to the district because the private school will not disclose. (3450.5(11))
- Who decides who is a Non-Proposing District (NPD)? (3450.10)
- What is "elementary district of origin," and how long does a student have to be enrolled there to trigger the requirement? (3450.8(7,8))
- Data on EQS standards has not yet been collected for 3 years. (3450.8(3))
- Which items of data refer to schools operated by the district, and which refer to schools where district pays tuition? (3450.8)
- "Number of new teachers" may not accurately reflect turnover because new positions may be added. (3450.8(10))

#### Comments that suggested additional information be included in a proposal:

- Percentage of staff that lives within the district, broken out by professional or non-professional and full year or academic year.
- Number of students by grade and tuitioning district.
- How many tuition students go to tech programs, where and half day or full day?
- Differences between proposing districts' programming and whether offerings can be equalized.

- Statistical data on community: range of home values, range of incomes, income sensitivity rebates used, socioeconomic status of students with home values.
- Unique programmatic offerings that would be challenging to share among neighboring districts.
- All population-level data should go back 12 years, not 5.
- Some small schools have developed their own assessments that should be used to supplement the state assessments.
- Special education costs are shared across SU. There should be a place for districts to demonstrate this efficiency in sharing regional costs. Should include trends of special education spending as well.
- Demographic information of students should include education level of parents, especially mother.

Comments that suggested requirements be eliminated:

- Ratios should not be a main concern for finances. (3450.9(4))
- 5 years of data is too much. 3 years should be sufficient. (3450.5, 3450.9)
- Remove requirement to supply length of meetings and participants. (3450.7(3))
- Number of private meetings. How do school boards know when private meetings take place? (3450.7(1))
- Information on assessments, and all protected student data should be removed. (3450.8(1))
- Post-secondary enrollment within 16 months of graduation should be removed. (3450.8(8))
- Percent of student assignments with licensed educators is not easily reportable. Our students attend around 15 different secondary schools. (3450.8(9))
- Remove requirements about neighboring districts. This information is not available via the AOE. (3450.12)
- Remove data that is not available from AOE, including current and historic data regarding secondary tuition students by grade and demographics. (3450.8(4))

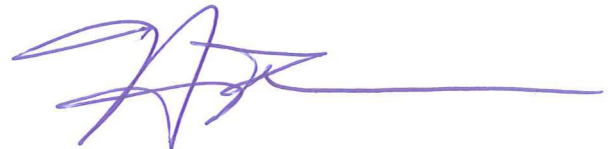
Other comments:

- All data should be aligned with EQS data.
- Districts that have already been approved for merger should not be required to go through alternative structure process.
- Keep districts with SBE approved merger plan held harmless from this process. This process will interfere with work to form other governance structures.
- There is not sufficient support for districts who have to write these reports.
- More of the same requirements should be placed on districts seeking approval of preferred structures.

- The SBE and AOE already have this information (i.e. demographics, equalized pupils, phantom students) so they should be giving it to the study committee rather than asking for it to be reported back.
- These requests for data assume merger will have wonderful results. It is too daunting and difficult for boards to supply this information. Some towns will not complete the proposal and will do nothing.
- Data should be more closely aligned with EQR requirements.
- For districts that have already formed a MUUSD or other structure by July 1, 2017 why would they need to submit one of these proposals?
- Successful alternative structures should be able to keep small schools grants. The grants could have a sunset provision in the same way as merger incentives.

Thank you for the opportunity to submit comment on Draft Rule 3400 on behalf of our members. Please do not hesitate to contact me if you have any questions.

Sincerely,



Nicole L. Mace  
Executive Director